

§ 1946.5

and mail the information to the Administrator no later than November 1.

[53 FR 32599, Aug. 26, 1988, as amended at 58 FR 65873, Dec. 17, 1993]

§ 1946.5 Monitoring compliance and penalty for non-compliance.

(a) *FmHA or its successor agency under Public Law 103-354 monitoring.* The FmHA or its successor agency under Public Law 103-354 Assistant to the Assistant Administrator, Farmer Programs, will monitor compliance of the State's Agricultural Loan Mediation Program through the reports received in accordance with §1946.4(j) of this subpart, through information received from FmHA or its successor agency under Public Law 103-354 field offices and the public, and through on-site visits to observe the operation and administration of the program.

(b) *Audit.* The qualifying State is subject to the audit requirements of 7 CFR parts 3015 and 3016 of this chapter. An audit report will be submitted to the FmHA or its successor agency under Public Law 103-354 Administrator annually or biennially as applicable in accordance with OMB Circular A-128 by each qualifying State receiving a grant.

(c) *Penalty for non-compliance.* If the Administrator determines that a State's Agricultural Loan Mediation Program does not meet or no longer meets the requirements set out in §1946.3(a)(2) (i) through (v) of this subpart for certification or, that grant funds are not being used only for the operation and administration of the State's Agricultural Loan Mediation Program, the FmHA or its successor agency under Public Law 103-354 Administrator is authorized to withdraw the certification of the program and terminate additional grant assistance and/or to impose any penalties or sanctions established in 7 CFR parts 3015 and 3016. In the event that the penalty for non-compliance is enforced, the FmHA or its successor agency under

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Public Law 103-354 and other USDA agencies will cease to participate in mediations conducted by the State Agricultural Loan Mediation Program. If the penalty for noncompliance is enforced, the reason(s) will be included in a letter to the Governor or Head of the State agency along with appeal rights under subpart B of part 1900 of this chapter.

§ 1946.6 Nondiscrimination.

The provisions of 7 CFR 1901 subpart E, "Civil Rights Compliance Requirements," 7 CFR part 15, "Nondiscrimination in Federally-Assisted Programs of the Department of Agriculture-Effectuation of title VI of the Civil Rights Act of 1964," 7 CFR part 15b, "Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefitting from Federal Financial Assistance," and 45 CFR part 90, "Nondiscrimination on the Basis of Age in Programs or Activities Receiving Federal Financial Assistance," apply to activities financed by grants made under this subpart.

§ 1946.7 Environmental requirements.

Environmental requirements are not applicable to this subpart.

§ 1946.8 Delegation of authority.

The Administrator hereby delegates the authority for processing applications and administering grants under this subpart to the Assistant to the Assistant Administrator, Farmer Programs.

§§ 1946.9-1946.49 [Reserved]

§ 1946.50 OMB control number.

The collection of information requirements in this regulation have been approved by the Office of Management and Budget and assigned OMB control number 0575-0125. In accordance with 5 CFR part 1320, summarized below is the annualized public reporting burden for this regulation: